

Exhibit 19

Page 1

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF

IN RE:

LEHMAN BROTHERS HOLDINGS INC.,

et al.,

Debtors.

-----x

December 22, 2015

9:28 a.m.

Deposition of STEVEN KOTARBA, held at
the offices of Weil, Gotshal & Manges LLP,
767 Fifth Avenue, New York, New York 10153,
before Roberta Caiola, a Shorthand Reporter
and Notary Public within and for the State
of New York.

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1 A P P E A R A N C E S:

2

3 Appearng for Lehman Brothers:

4 MAURICE HORWITZ, ESQ.

5 DENISE ALVAREZ, ESQ.

6 WEIL, GOTSHAL & MANGES LLP

7 767 Fifth Avenue

8 New York, New York 10153-0119

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10 Appearng for Dr. Thomas Marsoner:

11 M. SHANE JOHNSON, ESQ.

12 PIETER VAN TOL, ESQ.

13 HOGAN LOVELLS LLP

14 875 Third Avenue

15 New York, New York 10022

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1 Steven Kotarba (12-22-15)

2 Q. If you identify a person as going
3 on the master mailing address and you find
4 another address for them, would you include that
5 as well?

6 MR. HORWITZ: Objection to form.

7 A. Typically we would, yes.

8 Q. Why wouldn't you in all instances?

9 A. Again, it's hard to give absolute
10 answers. If for some reason there was an
11 indication that that address, you know, wasn't
12 accurate or shouldn't be used we wouldn't
13 include it. But I agree with your earlier
14 statement, that typically if we have two
15 addresses we would serve both addresses.

16 Q. In compiling this master mailing
17 address you said that you spoke with Lehman
18 Brothers' employees?

19 MR. HORWITZ: Objection to form.

20 A. Certain employees with respect to
21 the filing debtors, yes.

22 Q. Does this also include former
23 employees?

24 A. I don't believe. It's difficult to
25 recall. I don't believe we talked to former

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1 Steven Kotarba (12-22-15)

2 from.

3 Q. Do you see the person listed in the
4 from?

5 A. I do.

6 Q. That's a Lehman Brothers' employee?

7 MR. HORWITZ: Objection to form.

8 A. It appears to be, yes.

9 Q. So wouldn't this be in Lehman
10 Brothers' records?

11 MR. HORWITZ: Objection to form.

12 A. I have no way to tell that sitting
13 here today. It likely would be, but I don't
14 know.

15 Q. Wouldn't emails from employees be
16 in the records?

17 MR. HORWITZ: Objection to form.

18 A. I don't handle Lehman's email
19 systems.

20 Q. Do you have any reason to doubt
21 that this came from Lehman Brothers' files?

22 A. No.

23 Q. I believe you testified earlier
24 that when you compile names and addresses for
25 the master mailing list, you include every

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1 Steven Kotarba (12-22-15)

2 address that Alvarez comes across for an
3 individual?

4 A. I would say as a rule that's
5 accurate, yes.

6 Q. So this address should have been
7 listed in the master mailing list?

8 MR. HORWITZ: Objection to form.

9 A. If we would have come across it we
10 likely would have included it.

11 Q. You testified earlier that Alvarez
12 checks Lehman Brothers' books and records for
13 addresses?

14 A. Yes, the books and records are the
15 filing entities.

16 Q. If you can turn back to Behnke's
17 declaration, Exhibit 4?

18 A. I'm there.

19 Q. Turn to paragraph 6. It says,
20 "Since the commencement of LBCC's Chapter 11
21 case, Marsoner has never contacted LBCC with
22 respect to an executory contract, the Trade
23 Confirm or any other contract or transaction."
24 Do you see where it says that?

25 A. I do.

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1 Steven Kotarba (12-22-15)

2 MR. JOHNSON: Who headed those two
3 categories I guess.

4 Q. Earlier I believe you also
5 testified that the criteria for including
6 somebody on the master mailing list was any
7 interaction with the debtors, is that correct?

8 A. I don't know if I would categorize
9 it that way. We ask certain questions of
10 certain people to prepare the mailing list, if
11 we receive responsive information we would then
12 include them on the master mailing list.

13 (Record read.)

14 Q. So then it's true that interactions
15 were the key to being on the master mailing
16 list?

17 MR. HORWITZ: Objection to form.

18 A. Interactions that were identified
19 to us were one of the criteria that would lead
20 to being listed on the mailing list, that's
21 correct.

22 Q. I believe earlier you also
23 testified that when Alvarez found an address it
24 would be included, unless the address were
25 incorrect?

1 Steven Kotarba (12-22-15)
2 expect that they would have done that, yes.
3 Q. So Alvarez doesn't check to
4 determine if an address is a vacation address?
5 A. That's correct.
6 Q. It doesn't check if it's a working
7 address, is that correct?
8 A. Other than my previous comments,
9 that's correct.
10 Q. If you could turn back to the
11 Corrected Affidavit of Service, Exhibit 3.
12 Do you see on the last page, page
13 611 of 1048, an entry for Marsoner Thomas, S. is
14 listed at the very bottom?
15 A. I see that.
16 Q. The address is listed as One
17 Broadgate, 5th floor, London, EC2M 7HA United
18 Kingdom?
19 A. That's correct.
20 Q. Isn't this LBEL's former address?
21 A. I believe that's correct, yes.
22 Q. So they were no longer at that
23 address in 2009?
24 A. I don't believe they were.
25 Q. Yet, this address was still